

1 **Rule 4A. Prosecution by indictment.**

2 A prosecution may be commenced by the filing of an indictment. The indictment shall be filed
3 in a format and according to the rules of the judicial council.

4 (a) The filing shall include the defendant's name, date of birth, and last known address. Other
5 identifying information may be provided in accordance with rules of the Judicial Council
6 concerning electronic filing, as long as the actual indictment document does not include non-
7 public records. If the name of the defendant is not known, the prosecution shall identify the
8 defendant as John or Jane Doe, and include any identifying information known.

9 (b) An indictment shall charge the offense for which the defendant is being prosecuted by using
10 the name given to the offense by common law or by statute or by stating in concise terms the
11 definition of the offense sufficient to give the defendant notice of the charge.

12 (c) The court may permit an indictment to be amended after the trial has commenced but before
13 verdict if no additional or different offense is charged and the substantial rights of the defendant
14 are not prejudiced. After verdict, an indictment may be amended so as to state the offense with
15 such particularity as to bar a subsequent prosecution for the same offense upon the same set of
16 facts.

17 (d) When facts not set out in the indictment are required to inform a defendant of the nature and
18 cause of the offense charged, so as to enable him to prepare his defense, the defendant may file a
19 written motion for a bill of particulars. The motion shall be filed no later than 14 days after
20 arraignment unless allowed by the court. The court may, on its own motion, direct the filing of a
21 bill of particulars. A bill of particulars may be amended or supplemented at any time subject to
22 such conditions as justice may require. The request for and contents of a bill of particulars shall
23 be limited to a statement of factual information needed to set forth the essential elements of the
24 particular offense charged.

25 (e) Upon the filing of an indictment, the court shall proceed under Rule 6.

Effective May 1, 2017